

REMARKS/ARGUMENTS

Responsive to paragraph 1 of the Office Action, it is respectfully submitted that microns are the appropriate units. That is, there is no difference between micron and micrometer. It is submitted that requiring change for the sake of change is not an appropriate basis for an objection to a claim. Moreover, the application is under final rejection and the applicants may wish to pursue an appeal. Filing amendments that do not change the substance of the claim, and in this instance would not in fact even correct an error, would complicate the process and hinder the advancement of the application. Withdrawal of the objection is respectfully requested.

Furthermore, it is respectfully submitted that because “a termination trench formed” is introduced for the first time, the use of “the” instead of “a” would be inappropriate. Withdrawal of the objection is requested.

Responsive to paragraph 2 of the Office Action, the use of “A” is just as acceptable as the use of “The”. Thus, it is respectfully submitted that the objections against claims 4-6 are inappropriate. Withdrawal of the objection is requested.

Claim 1 has been rejected as obvious over Williams in view of Zeng. Reconsideration is requested.

Claim 1, in combination with other limitations, calls for:

a termination trench formed in said semiconductor body, and a field oxide layer formed in said termination trench below said major surface, wherein said field oxide layer is thicker than said gate oxide layer.

It has been asserted that Zeng teaches a field oxide layer that is thicker than the gate oxide:

Zeng discloses a field oxide layer formed in said termination trench below said major surface (Fig. 15 please note the element 340 (Oxide layer) is thicker than the gate oxide layer 40).

It appears that the Examiner has come to this conclusion by simply comparing the dimension of features set forth in the figures. If this is correct, it is submitted that comparing figures in the manner that is set forth in the Office Action is improper in that figures in a patent are not considered to be in scale, unless stated otherwise. MPEP §2125 provides:

When the reference does not disclose that the drawings are to scale and is silent as to dimensions, arguments based on measurement of the drawing features are of little value. See *Hockerson-*

Halberstadt, Inc. v. Avia Group Int'l, 222 F.3d 951, 956, 55 USPQ2d 1487, 1491 (Fed. Cir. 2000) (The disclosure gave no indication that the drawings were drawn to scale. "[I]t is well established that patent drawings do not define the precise proportions of the elements and may not be relied on to show particular sizes if the specification is completely silent on the issue.")

Zeng does not specify that its figures are drawn to scale. Therefore, it is improper to assert that Zeng discloses a field oxide that is thicker than the gate oxide.

In addition, it is clear that Williams teaches that the oxide disposed in the trench in the termination region 290 is formed at the same time as the oxide formed in the gate trenches. Specifically, as illustrated by Figs. 24D, 24E and 24F, the trenches in the termination region 250 and the gate trenches in the active region 26 are formed and oxidized together. Thus, the oxide in the termination trench and the oxide in the gate trenches are identical. To vary the thickness of the oxide in the trench of the termination region the process set forth in Williams has to be modified somehow. Zeng, however, does not disclose any steps for such a modification, and nor does any other reference in the record. Note that Zeng does not disclose how to form the oxide layer in its termination, and thus cannot teach a skilled person how to modify Williams. Thus, even assuming Zeng teaches a thicker oxide than the gate oxide as alleged, one must find a way to incorporate the oxide body from Zeng into the device shown by Williams. In the absence of some direction to teach a skilled person to modify Williams to obtain an oxide of a different thickness in the termination trench the record lacks *prima facie* evidence to render claim 1 obvious. Reconsideration is, therefore, requested.

The application is believed to be in condition for allowance. Such action is earnestly solicited.

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on August 18, 2006

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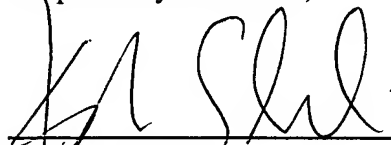
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August 18, 2006

Date of Signature

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Respectfully submitted,



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